

GIBSON DUNN

## MEMO ENDORSED

May 4, 2023

VIA ECF

Esperion's request for permission to file under seal an unredacted version of the parties' Agreement is GRANTED. IT IS SO ORDERED.



Edgardo Ramos, U.S.D.J.  
Dated: May 5, 2023  
New York, New York

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Hon. Edgardo Ramos  
United States District Judge  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Esperion Therapeutics, Inc. v. Daiichi Sankyo Europe GmbH*, No. 1:23-cv-02568 (ER)

Dear Judge Ramos:

We represent Plaintiff Esperion Therapeutics, Inc (“Esperion”) in the above-captioned declaratory action seeking a determination of the rights and obligations of the parties under a License and Collaboration Agreement (“Agreement”), dated January 2, 2019. We write pursuant to this Court’s Individual Practice Rule 3(ii) to respectfully request permission to file under seal an unredacted version of the Agreement, which is attached as Exhibit A to Esperion’s First Amended Complaint. Esperion seeks to file under seal the portions of the Agreement that have not already been publicly disclosed in order to comply with a confidentiality provision in the Agreement. Esperion has asked counsel for Defendant Daiichi Sankyo Europe GmbH (“DSE”) for its consent to file an entirely unredacted copy of the Agreement, but DSE objected to filing an entirely unredacted copy of the Agreement.

We thank the Court for its consideration of this request.

Sincerely,

GIBSON, DUNN & CRUTCHER LLP

/s/ Orin Snyder  
Orin Snyder

*Attorneys for Plaintiff Esperion Therapeutics,  
Inc.*

cc: All Counsel of Record (via ECF)